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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/200,874	11/27/1998	YOSHIO KIMURA	35.C13132	9880

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EXAMINER	
CARTER, TIA A	
ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 02/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/200,874	KIMURA, YOSHIO	
	Examiner	Art Unit	
	Tia A Carter	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 February 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-2, 4, 6-9 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Konishi (Pat. No. 6046820).

Regarding claim [**1**], Konishi discloses an image processing method (Column 2, lines 21-25) comprising the steps of:

Inputting output characteristics data corresponding to each of plurality of output apparatuses that output an image including a reference output apparatus (Fig. 1, column 3, lines 27-31; col. 7, lines 27-31); and

Calculating correction data corresponding to the other output apparatus on the basis of the output characteristics data of the reference output apparatus and the output characteristics data of the other output apparatus (Fig. 1, column 3, lines 32-39),

Managing the calculated correction data corresponding to each of the output apparatus; and (Fig. 1, col. 3, lines 20-26), The computer disclosed which incorporates the processor is responsible for controlling and managing the correction data based on the request and/or the preset program codes.

updating the correction data corresponding to the other output according to a revision of the output characteristics data of the reference output apparatus (Fig. 5, column 6, lines 58-67; col. 7, lines 1-14).

The cited reference, also, notes the use of plural output devices/apparatuses in which can be implemented throughout the disclosed apparatus, however the cited reference only discloses the use of a printer and a host computer (Column 7, lines 44-47).

Regarding claim [**2**], Konishi discloses a method according claim 1, wherein said output characteristics data is formed by a calibration function of said output apparatus (Fig. 1, column 3, lines 8-10).

Regarding claim [**4**], Konishi discloses a method according to claim 1, further comprising the step of setting a designation of one ofsaid output apparatus as said reference output apparatus (Fig. 4, column 5, lines 27-35). **It should be noted that claim limitation of "setting" could be equated to any operational feature for configuring an apparatus.**

Regarding claim [**6**], Konishi discloses a method according to claim 1, further comprising the steps of:

Transmitting said correction data to a client computer (Fig. 1 & 5, column 5, lines 40-43 & 53); and

The client computer correcting input image data on the basis of said correction data (Fig. 1 & 5, column 5, lines 54-57).

Regarding claim [**7**], Konishi an image processing apparatus that can communicate to a plurality of output apparatuses that output an image, including a reference output apparatus (Fig. 1, column 3, lines 27-31; col. 7, lines 44-47), comprising:

An input unit, adapted to input output characteristics data of each output apparatus from said plurality of output apparatuses that output an image, including the reference output apparatus (Fig. 1, column 3, lines 27-31; col. 7, lines 44-47); and

A correction processing processor, adapted to calculate a correction data corresponding to the other output apparatus , for use process to image data by using the calculated correction data (Fig. 1, column 3, lines 32-39);

A management unit, adapted to manage the calculated correction data corresponding to each of the output apparatuses (Fig. 1, col. 3, lines 20-26); and The computer disclosed which incorporates the processor is responsible for controlling and managing the correction data based on the request and/or the preset program codes.

A revision unit, adapted to update the correction data corresponding to the other output apparatus (Fig. 1, column 3, lines 40-55; col. 7, lines 11-14) and according to a

revision of the output characteristics data of the other output apparatus (Fig. 2, column 4, lines 21-35; col. 7, lines 44-47).

The cited reference, also, notes the use of plural output devices/apparatuses in which can be implemented throughout the disclosed apparatus, however the cited reference only discloses the use of a printer and a host computer (Column 7, lines 44-47).

Regarding claim [**8**], Konishi discloses an apparatus to claim 7, further comprising image forming means for forming an image on the basis of said correction processed image data (Fig. 2, column 4, lines 24-27).

Regarding claim [**9**], Konishi discloses a memory medium in which a program for an image processing method has been stored (Fig. 1, column 3, lines 16-24; col. 7, lines 48-63) comprising the steps of:

Inputting output characteristics data corresponding to each of plurality of output apparatus that output an image, including a reference output apparatus (Fig. 1, column 3, lines 27-31); and

Calculating correction data corresponding to the other output apparatus on the basis of the output characteristics data of the reference output apparatus and the output characteristics data of the other output apparatus (Fig. 1, column 3, lines 32-39); and,

Managing the calculated correction data corresponding to each of the output apparatuses (Fig.1, col. 3, 20-26); the computer disclosed which incorporates the

processor is responsible for controlling and managing the correction data based on the request and/or the preset program codes.

updating the correction data corresponding to the other output according to a revision of the output characteristics data of the reference output apparatus (Fig. 5, column 6, lines 58-67; col. 7, lines 1-14).

The cited reference, also, notes the use of plural output devices/apparatuses in which can be implemented throughout the disclosed apparatus, however the cited reference only discloses the use of a printer and a host computer (Column 7, lines 44-47).

Regarding claim [**10**], Konishi discloses a computer program for an image processing method (Fig. 1, col. 3, lines 16-19; Figs. 8 & 9, col. 8, lines 14-36) comprising output characteristics data corresponding to each of plurality of output apparatuses that output an image, including a reference output apparatus (Fig. 1, column 3, lines 27-31) and data corresponding to the other output apparatus on the basis of the output characteristics data of the reference output apparatus and the output characteristics data of the other output apparatus (Fig. 1, column 3, lines 32-39),

Managing the calculated correction data corresponding to each of the output apparatuses (Fig.1, col. 3, 20-26); the computer disclosed which incorporates the processor is responsible for controlling and managing the correction data based on the request and/or the preset program codes.

updating the correction data corresponding to the other output according to a revision of the output characteristics data of the reference output apparatus (Fig. 5, column 6, lines 58-67; col. 7, lines 1-14).

The cited reference, also, notes the use of plural output devices/apparatuses in which can be implemented throughout the disclosed apparatus, however the cited reference only discloses the use of a printer and a host computer (Column 7, lines 44-47).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Konishi (U.S. Pat. No. 6046820) in view of Konishi (U.S. Pat. No. 5950036).

Regarding claim [**3**], Konishi differs from claim 3 in that he does not disclose the measuring of colors of an image, however, Konishi does disclose measuring the density of the sample image (Fig. 1, column 3, lines 35—37 & 54-55).

However, Konishi (5950036) discloses a method according to claim 1, wherein the output characteristics data of said reference output apparatus is derived by measuring a color of an image formed by an image signal corrected on the basis of the correction data formed by a calibration process after completion of said calibration process (Fig. 10, column 7, lines 10-32). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Konishi wherein after the calibration process a step of measuring the color of the sample image would be implemented for quality color print jobs (Column 2, lines 21-27). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Konishi by the teachings of Konishi (5950036).

Regarding claim [**5**], Konishi differs from the limitation in claim 5 in that Konishi does not clearly disclose the use of a user specifying instruction.

However, Konishi (5950036) discloses a method according to claim 1, further comprising the step of setting said plurality of output apparatuses on the basis of an instruction of the user (Fig. 1, column 3, lines 51-60).

The cited reference, also, notes the use of plural output devices/apparatuses in which can be implemented throughout the disclosed apparatus, however the cited reference only discloses the use of a printer and a host computer (Column 13, lines 13-18). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Konishi wherein a user is used to input instructions to the output apparatuses other than the use of a controlled software application from the supplying device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Konishi by the teachings of Konishi (5950036).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Raijavec (US. 6256111), Kawamura et al. (US. 4926268), Kanamori (US. 0012110), Moro et al. (US. 5638188), Moror et al. (US. 5748772), Kuwata (US. 6351558), Uchiyama et al. (US. 4967283), Udagawa et al. (US. 51811050) are cited to show related art with respect to calculating data for correction of output devices.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tia A Carter whose telephone number is 703 - 306-5433. The examiner can normally be reached on M-F (9:30-6:00).

The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-6036 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-6056.

Tia A Carter
Examiner
Art Unit 2622

TAC

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